

May 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANAIN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. DA 10-0065

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FILED

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STATE OF MONTANA

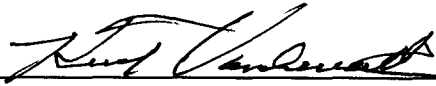
|                      |   |                            |
|----------------------|---|----------------------------|
| KURT VANDERVALK,     | ) |                            |
| Petitioner/Appellant | ) |                            |
|                      | ) |                            |
| v.                   | ) | JOINT MOTION FOR DISMISSAL |
|                      | ) | AND REMAND                 |
| MONTANA STATE FUND,  | ) |                            |
| Respondent/Appellee. | ) |                            |
|                      | ) |                            |

COMES NOW, the Appellant, Kurt Vandervalk, and Appellee, Montana State Fund, and jointly move the Court dismiss the appeal in the above case and issue an order remanding the matter to the Montana Workers' Compensation Court for entry of a stipulated judgment resulting from settlement of the present matter. Upon entry of the stipulated judgment the matter will be dismissed with prejudice obviating any appeal. In support of the Motion, the parties state as follows:

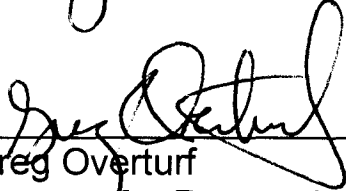
The parties engaged in mandatory appellate mediation on May 6,

2010. At that time, a settlement was reached resolving all issues between the parties. In order to effectuate the terms of the settlement, judgment should be entered by the Workers' Compensation Court reflecting the terms of the agreement. It is therefore necessary for the matter to be remanded to that Court for further proceedings in relation to the proposed settlement of this matter.

DATED this 10 day of May, 2010.

  
Kurt Vandervalk, Pro Se  
Petitioner/Appellant

DATED this 10<sup>th</sup> day of May, 2010.

  
Greg Overturf  
Attorney for Respondent/Appellee

## CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing JOINT MOTION FOR DISMISSAL AND REMAND with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing JOINT MOTION FOR DISMISSAL AND REMAND on the party below:

Kurt Vandervalk  
6245 Mt Vista  
Helena, MT 59602

Dated this 10<sup>th</sup> day of May, 2010.

Brenda M. Cross